THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.15946 OF 2005

Between:

D.Y.Reddy, s/o D.Reddy, aged 41 years,

Driver (E-105449), APSRTC, Narketpally Bus Depot,

Nalgonda District.

....Petitioner

A n d

The Depot Manager, APSRTC, Narketpally Bus Depost,

Nalgonda District

....Respondent

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.15946 OF 2005

ORAL ORDER:

Heard the learned counsel for the petitioner and
Sri V.T.M.Prasad, learned standing counsel for the respondent-APSRTC.

The impugned order *ex facie* invites invalidation. The petitioner is a permanent driver in the employment of the APSRTC and was working at Narketpally Bus

Depot. The APSRTC bus, which he was driving, was involved in an accident on 20-01-1995. As a consequence, the bus appears to have been heavily damaged and nine of the passengers also sustained injuries. A report on the accident was submitted and the petitioner was charge sheeted by
a charge sheet dated 18-05-1995. Petitioner submitted
his explanation. Thereupon, the impugned order dated
07-04-1997 was passed by the respondent which to the extent relevant and material for the purpose of this writ petition reads as under:

> "You have acknowledged the charge sheet vide reference 3rd cited and submitted your explanation vide reference 4th cited to which I have examined carefully duly taking into the consideration of all the evidences available on records together with the circumstances of the case and come to the conclusion that the charges leveled against you are proved beyond any reasonable doubt for which the penalty of withholding your annual increment next falls due for a period of one year which shall have the effect on your future increments is fit and proper to be imposed upon you besides recovering an amount of Rs.1,000-00 from your salary towards the cost of damages caused to the accident vehicle under reference.
>
> Therefore, I hereby order that you annual increment next falls due be withheld for a period of one year which shall have effect on your future increments besides proposing for recovery of Rs.1,000-00 from your salary towards the cost of damages caused to the accident vehicle in question.
>
> You are hereby called upon to show cause as to why the proposed penalty of recovery of Rs.1,000-00 should not be imposed upon you, within seven days from the date of receipt of this notice, failing which it will be assumed that you have no explanation to offer and further action will be initiated against you on the evidences available on records.

The impugned order appears to be the product of pure confusion with no control over the language or the content. It is not clear whether the order and the conclusion to withhold the annual increment with cumulative effect and recovery of Rs.1,000/- is a proposal or a conclusion. The order, which has been extracted hereinabove, appears to suggest tentativeness to the proposals and an invariable conclusion at once. The last paragraph of the order calls upon the petitioner to show-cause why the recovery should not be imposed on him. If the recovery of the amount proposed and the conclusion of stoppage of annual

increment are for the same conduct of the petitioner, as is apparent, then the opportunity to be provided to the petitioner should be in respect of both the penalties. That does not appear to be the underlying intent of the impugned order. In any event, what the order states or suggests is not clear and neither the learned counsel for the petitioner nor the learned standing counsel for the respondent-Corporation are any wiser as to what the order means.

In the aforesaid circumstances, the order requires to be set aside and is accordingly quashed. On account of the supreme negligence brought to bear on the drafting of the impugned order, this Court considers it appropriate that the writ petition be allowed with the costs payable to the petitioner in an amount of Rs.1,000/- (Rs.One thousand only). This order, however, does not prevent the respondent from proceeding against the petitioner in accordance with law.

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29-08-2005.

Lrkm